



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,326	07/31/2001	Robert W. Torres	41250/WPC/P526	3726

23363 7590 05/20/2003

CHRISTIE, PARKER & HALE, LLP  
350 WEST COLORADO BOULEVARD  
SUITE 500  
PASADENA, CA 91105

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/919,326

Applicant(s)

TORRES ET AL.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on See Office Action is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to applicant's request for reconsideration filed on April 29, 2003.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1,3-5 and 7-12 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,792,416 to Moulin in view of US Pat No 3,077,572 to Zimmerman.

Regarding claims 1,5,9 and 12, Moulin discloses a device for sealing a cavity that comprises an interior surface. The device comprises a sleeve (150).

However, Moulin fails to disclose a skirt integrally formed on the sleeve. Moulin discloses that when a molded flange (158) is placed inside the cavity, forms a skirt comprising an interior surface and a sealing surface.

Zimmerman teaches that is known in the art to have a skirt (22) integrally formed on the sleeve (20).

As to the fact that the skirt is molded or not, applicant is reminded that the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made a skirt, as taught by Zimmerman, into a sealing device as

described by Moulin, in order to make a better sealing between the inside surface of the cavity and the sealing surface and to prevent lost in the sealing contact because of excessive wrinkled.

As to claims 3 and 8, Moulin discloses that the sleeve and the skirt are made of an elastomeric material.

As to claims 4,7 and 10, Moulin discloses that the sleeve includes a wiping land (174).

As to claim 9, Moulin discloses a method comprising the step of inserting a portion of a structure (90) through a sleeve (150) of a sealing assembly.

However, Moulin fails to disclose a skirt integrally formed on the sleeve. Moulin discloses that when a molded flange (158) is placed inside the cavity, forms a skirt comprising an interior surface and a sealing surface.

Zimmerman teaches that is known in the art to make a skirt (22) integrally formed on the sleeve (20).

As to the fact that the skirt is molded or not, applicant is reminded that the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made a skirt, as taught by Zimmerman, into a sealing device as described by Moulin, in order to make a better sealing between the inside surface of the cavity and the sealing surface and to prevent lost in the sealing contact because of excessive wrinkled.

As to claim 11, Moulin discloses that the wiping land cleans a portion of the interior surface of the cavity (Col. 9 Lines 13-16).

***Response to Arguments***

4. Applicant's arguments filed April 29, 2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments that Moulin, as modified by Zimmerman, fails to disclose a molded skirt integrally formed on the sleeve (Page 4 Line 10-12), Moulin, as modified by Zimmerman, discloses the invention as claimed.

Moulin discloses that the sleeve has a molded flange (158) integrally formed in the sleeve (150). When the sleeve is introduced through the cylindrical cavity, it will deform in order to obtain a cup rim or skirt.

Zimmerman teaches that is known in the art to have a skirt (22) integrally formed on the sleeve (20).

Also, as to the fact that the skirt is molded or not, applicant is reminded that the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

As to applicant's arguments that Zimmerman fails to disclose that the seal receiving ferrule is not a seal and clearly does not have a sealing surface that has substantially the same shape as the interior surface of the cavity (Page 4 Line 13), Zimmerman teaches a ferrule (22) that is a seal and have a sealing surface that have the same shape as the interior surface of the cavity, a cylindrical shape. If the

Art Unit: 3677

applicant tries to claim that the sealing surface is in contact with the interior surface, Moulin already discloses this limitation.

As to applicant's arguments that Moulin and Zimmerman are non-analogous art (Page 5 Line 1), both reference are for electrical connectors, they are analogous art.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the

Application/Control Number: 09/919,326


Page 6

Art Unit: 3677

examiner is not available, please leave a message, including the application number  
and the examiner will answer the message as soon as possible.

\*\*\*

May 15, 2003

  
ROBERT J. SANDY  
PRIMARY EXAMINER